

IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF
AMARILLO DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
COURT
TEXAS
FILED
MAY 5 2005
CLERK, U.S. DISTRICT COURT
By _____
Deputy

ROY DON JONES,

Petitioner,

v.

2:02-CV-0158

DOUGLAS DRETKE, Director,
Texas Department of Criminal
Justice, Institutional Division,

Respondent.

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner ROY DON JONES, has filed a petition for writ of habeas corpus by a person in state custody attacking his conviction for the offense of robbery out of the 251st Judicial District Court, Randall County, Texas.¹ On April 13, 2005, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that such petition be denied. On April 28, 2005, petitioner filed objections to the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The objections filed by petitioner are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED.

¹Petitioner has objected to the conviction date listed in the Report and Recommendation as September 21, 1999 stating that date was related to another robbery conviction out of Potter County, Texas. Petitioner is correct. Petitioner then lists his conviction date to be October 1, 1999. However, on his original habeas application, petitioner listed the date as October 21, 1999. A review of the state court docket shows the judgment date to be October 26, 1999. The exact date of disposition, however, is not determinative of this case.

Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DENIED. Let judgment be entered accordingly.

IT IS SO ORDERED.

ENTERED this 5th day of May 2005.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE